

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Shimkets *et al.*  
FOR: *Novel Polypeptides and Nucleic Acids Encoding Same*

September 22, 2003  
Boston, Massachusetts

00746 U.S. PRO  
10/667723  
09/22/03

MAIL STOP PATENT APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR FILING A CONTINUING UTILITY APPLICATION  
UNDER 37 C.F.R. §1.53(b)

1. This is a request for filing a continuing application under 37 C.F.R. §1.53(b).  
(Check the appropriate boxes and supply the requisite information)  
This application is a:  
☐ Continuation; ☒ Divisional; ☐ Continuation-in-part of prior application U.S.A.N. 09/715,417.
2. Priority to the above application(s) is claimed under:  
☒ 35 U.S.C. §120  
Prior application information:  
Examiner: Richard G. Hutson; Group Art Unit: 1652.  
☐ 35 U.S.C. §119  
Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §119.  
☐ The certified copy has been filed in prior application U.S.S.N. \_\_\_\_/\_\_\_\_,\_\_\_\_ on [Date].  
☐ The certified copy will follow.

APPLICATION ELEMENTS:

3. ☒ Specification and Drawings (Total pages: 130):  
Specification (127 pages); Claims (2 pages); and Abstract (1 page).
4. ☒ Nucleotide and/or Amino Acid Sequence Submission:  
☒ *Computer-readable Copy:* The computer-readable copy of the Sequence Listing in the instant application is to be identical to that filed in application U.S.S.N. 09/715,417, filed December 14, 2001. In accordance with 37 C.F.R. § 1.821(e), please use the computer-readable form filed in that application as the computer-readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application.  
☒ *Paper Copy:* A paper copy of the Sequence Listing is included in the copy of the originally-filed specification of the instant application.
5. ☐ Microfiche Computer Program (*Appendix*)
6. ☒ Oath or Declaration (Total pages: 3):  
(a) ☐ Newly executed (original)  
(b) ☒ Copy from a prior application (37 C.F.R. §1.63(d))

INVENTOR: **Shimkets et al.**  
**Request for Continuing (Divisional) Nonprovisional Application (37 C.F.R. §1.53(b))**

7. ☒ Incorporation by Reference (*can use if Box 6(b) is checked*)  
The entire Disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 6(b), is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

**ACCOMPANYING APPLICATION PARTS:**

8. ☐ English Translation Document (*if applicable*)
9. ☒ Information Disclosure Statement (IDS)  
☒ Copy of IDS and PTO-1449, filed May 1, 2001 (3 pages);  
☒ Copy of Supp. IDS and PTO-1449, filed October 1, 2001 (3 pages);  
☒ Copy of Supp. IDS and PTO-1449, filed February 22, 2002 (2 pages);  
☒ Copy of Supp. IDS and PTO-1449, filed April 22, 2002 (3 pages); and  
☒ Copy of PTO-1449, filed February 6, 2003 (1 page)  
☐ Copies of references cited
10. ☒ Reassertion of Small Entity Status (37 CFR 1.27(c)(4))  
☒ Small Entity status was claimed in the parent application, and is still proper and desired under 37 CFR 1.27(c)(4).
11. Fee Calculation:

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$750.00
Total Claims (37 C.F.R. 1.16(c))	13	- 20 =	0	\$18.00	\$0.00
Independent Claims (37 C.F.R. 1.16(b))	5	- 3 =	2	\$84.00	\$168.00
Multiple Dependent Claim(s), if any (37 C.F.R. 1.16(d))				\$280.00	\$0.00
				SUBTOTAL:	\$918.00
				Reduction by 50% for filing by small entity:	\$459.00
				TOTAL FEE:	\$459.00

12. ☒ A check (#17200) in the amount of **\$459.00** is enclosed.
13. ☐ Deletion of Inventor(s)  
This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).  
☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_  
\_\_\_\_\_  
☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
14. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-0311, Ref. No. 15966-606DIV (Cura-106DIV).  
☒ Fees required under 37 C.F.R. §1.16;  
☒ Fees required under 37 C.F.R. §1.17;  
☒ Fees required under 37 C.F.R. §1.18.

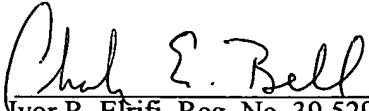
**INVENTOR:** Shimkets *et al.*  
**Request for Continuing (Divisional) Nonprovisional Application (37 C.F.R. §1.53(b))**

15. ☒ Return Receipt Postcard Enclosed.

Respectfully submitted,

Dated: September 22, 2003

for:

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